

Attorneys for Defendant
VINH DUONG

ORIGINAL

1 so that he can self-surrender directly to the designated facility.

2 In support of the motion, defendant submits this notice of motion and motion, the
3 accompanying declaration of counsel and the accompanying declaration of Mr. Riordan's
4 assistant Jocilene Yue.

5 Dated: August 31, 2007

Respectfully submitted

6 DENNIS P. RIORDAN
7 DONALD M. HORGAN

8
9 
10 BY: DENNIS P. RIORDAN

11 Attorneys for Defendant
12 VINH DUONG
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**DECLARATION OF COUNSEL
IN SUPPORT OF MOTION TO ENLARGE TIME**

I, DENNIS P. RIORDAN, hereby state under the pains and penalties of perjury, as follows:

1. I am counsel on appeal for defendant VINH DUONG.
2. Defendant Duong was convicted on July 22, 2005 following a jury trial. Convicted on four counts, Mr. Duong was sentenced to 41 months imprisonment. On July 25, 2005, Judgment was entered.
3. On October 25, 2006, following an appeal, the Ninth Circuit issued a written ruling affirming Defendant's convictions and sentence.
4. On July 6, 2007, the Honorable D. Lowell Jensen ordered the Bureau of Prisons to designate an institution. The Court ordered the Defendant to report to the designated institution on or before 12:00 P.M. on September 6, 2007. However, if no designation had been identified prior to the surrender date, the Court ordered the Defendant to report to the Office of the United States Marshal, 1301 Clay Street, Oakland, CA, by 12:00 P.M. on the surrender date.
5. As indicated in the accompanying Declaration of Jocilene Yue, on August 13, 2007 Ms. Yue called the Marshal's Office regarding designation of Vinh Duong and was informed by Hima Chaudhary that no designation had been processed at that time. Ms. Chaudhary told Ms. Yue to call again the following week.
6. Ms. Yue called again the week of August 20. Ms. Chaudhary informed Ms. Yue that there was still no designation. She told Ms. Yue to call the following Wednesday, August 29, 2007.
7. On August 29, Ms. Yue called Ms. Chaudhary but was informed that she was not in. She eventually spoke with Bernie Cummings, who investigated the matter and called back to indicate that, upon contacting the BOP, he had been informed that there was as yet no designation and that a designation would probably not be made by the time Mr. Duong surrendered.

8. Pursuant to Civil Local Rule 37-1(a), on Friday, August 31, 2007, Jocilene Yue from my office called Assistant United States Attorney Jeffrey P. Singdahlsen 202-353-4355 at approximately 1 p.m. Pacific Daylight Time. She left a message with Mr. Singdahlsen indicating that counsel for Mr. Duong would be requesting an additional 30 day stay for self-surrender. She requested that he return the call to my office to indicate whether he would object to this stay. Mr. Singdahlsen had not returned the call by the time this motion was filed.

9. Defendant requests the additional stay to avoid the unnecessary cost, inefficiency and inconvenience to the U.S. Marshall should she be required to self-surrender prior to designation, be detained at a county facility, and then be transported to a federal facility for the duration of her sentence.

10. Defendant has been prompt and reliable throughout these proceedings in her appearances before the Court, and will surrender to serve her term as ordered by this Court.

Stated under penalty of perjury this 31st day of August, 2007, at San Francisco, California.


DENNIS P. RIORDAN, Esq.

PROOF OF SERVICE BY MAIL -- 1013(a), 2015.5 C.C.P.

Re: United States v. Vincent Duong No. CR 03-40101 DLJ

I am a citizen of the United States; my business address is 523 Octavia Street, San Francisco, California 94102. I am employed in the City and County of San Francisco, where this mailing occurs; I am over the age of eighteen years and not a party to the within cause. I served the within:

**DEFENDANT'S MOTION FOR EXTENSION OF TIME
TO SELF-SURRENDER; DECLARATION OF COUNSEL;
DECLARATION OF JOCILENE YUE; [PROPOSED] ORDER**

on the following person(s) on the date set forth below, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Post Office mail box at San Francisco, California, addressed as follows:

Jeffrey P. Singdahlsen
Attorney, U.S. Department of Justice
Criminal Division, Appellate Section
P.O. Box 899, Ben Franklin Station
Washington, D.C. 20044-0899

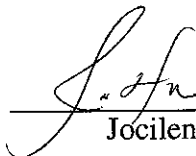
United States Marshal's Office
1301 Clay Street, Room 150C
Oakland, CA 94612

☒ **BY MAIL:** By depositing said envelope, with postage thereon fully prepaid, in the United States mail in San Francisco, California, addressed to said party(ies);

☐ **BY PERSONAL SERVICE:** By causing said envelope to be personally served on said party(ies), as follows: ☐ **FEDEX** ☐ **HAND DELIVERY**

I certify or declare under penalty of perjury that the foregoing is true and correct.

Executed on August 31, 2007 at San Francisco, California.



Jocilene Yue